

Pomes, Michael

From: Aycock, Jim
Sent: Wednesday, January 25, 2017 3:48 PM
To: Drouare, Douglas
Cc: Hayes, Scott
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Categories: EZ Record - Shared

Doug, I apologize for not responding to your question. I am forwarding you an email from Rebecca Wenner that addresses your question. Also, according to 261.4(b)(10), petroleum media is excluded if the site is subject to the regulations found in Part 280 underground storage tank corrective action regulations. Please take a look at Rebecca's email and if you have any additional questions please let me know. Have you been in contact with our tribal section (Patrick Bustros)?

Jim

Jim Aycock
RCRA Enforcement/Compliance Officer
Waste Enforcement and Materials Management Branch
Air and Waste Management Division
U.S. Environmental Protection Agency
11201 Renner Blvd.
Lenexa, Kansas 66219
Phone: 913-551-7887
Email: aycock.jim@epa.gov
Fax: 913-551-7065

From: Drouare, Douglas
Sent: Tuesday, January 24, 2017 11:31 AM
To: Aycock, Jim <Aycock.Jim@epa.gov>
Cc: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Any further thoughts or input on this?

Douglas E. Drouare, CPG
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From: Drouare, Douglas
Sent: Friday, January 20, 2017 9:52 AM
To: Aycock, Jim <Aycock.Jim@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Both Kansas ... the truck stop is in Indian Country

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From: Aycock, Jim
Sent: Friday, January 20, 2017 9:37 AM
To: Drouare, Douglas <drouare.douglas@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

What state is this truck stop located and where is the landfill located, Kansas?

Jim Aycock
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From: Drouare, Douglas
Sent: Friday, January 20, 2017 9:31 AM
To: Aycock, Jim <Aycock.Jim@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Here I am ... I am in touch ... thoughts???

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From: Hayes, Scott
Sent: Friday, January 20, 2017 9:29 AM
To: Goetz, Mary <goetz.mary@epa.gov>; Aycock, Jim <Aycock.Jim@epa.gov>; Drouare, Douglas <drouare.douglas@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Actually Jim, Doug Drouare will be in touch to discuss.

From: Goetz, Mary
Sent: Friday, January 20, 2017 8:39 AM
To: Aycock, Jim <Aycock.Jim@epa.gov>
Cc: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: FW: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]
Importance: High

Hi Jim, please have a look at the below and provide feedback to Scott at your earliest convenience. The benzene numbers may be high enough for this being a listed waste despite exemptions.

Mary M Goetz, PE
Branch Chief
Waste Enforcement & Materials Management
Air & Waste Management Division
EPA Region 7
(913)551-7754

From: Hayes, Scott
Sent: Friday, January 20, 2017 7:50 AM
To: Goetz, Mary <goetz.mary@epa.gov>
Subject: FW: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]
Importance: High

Mary, do you have an expert on the petroleum exemption language in the haz waste regs who we could consult?

From: Drouare, Douglas
Sent: Friday, January 20, 2017 6:47 AM
To: Bosch, Raymond <Bosch.Raymond@epa.gov>; Weekley, Erin <weekley.erin@epa.gov>
Cc: Hayes, Scott <Hayes.Scott@epa.gov>
Subject: FW: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]
Importance: High

Need a quick review of my response since it involves interpreting regulations:

"The regulations you are referring to say petroleum contaminated materials from a site regulated under 40 CFR Part 280 are exempt from being classified as a "hazardous waste" and can be addressed accordingly. However, a facility such as a landfill may still ask you to characterize/test the material like it is a hazardous waste. They may do this for liability protection and business decision reasons. They have the right to request whatever characterization they want and decide what they do or do not accept."

Thanks,

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From: Robert Trump [<mailto:rtrump@totalpetroleumservices.com>]
Sent: Thursday, January 19, 2017 4:09 PM
To: Drouare, Douglas <drouare.douglas@epa.gov>; Sac & Fox Truck Stop <sacfoxtsmgr@jbntelco.com>
Cc: Pomes, Michael <pomes.michael@epa.gov>; robwandrew@mac-const.com; Chris Kinn <ckinn@terranext.net>; mwatson@terranext.net; Kelly Cratsenburg <Kelly.Cratsenburg@anteagroup.com>; William_Milliard@us.crawco.com; Kyle Minden <kminden@edtkc.com>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Dear Mr. Drouare,

I have been reviewing the Federal Code of Regulations Exemptions under 40. 261.4 as it relates to the following:

(10) Petroleum-contaminated media and debris that fail the test for the Toxicity Characteristic of § 261.24 (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under part 280 of this chapter.

The chart used to determine whether contaminated media fails this test identifies a number of elements but the one which I have pertinent data on is Benzene which is listed as D018 with a regulatory threshold of .5 ppm.

My question: Am I correctly interpreting this chapter to mean that contaminated media and debris from this site that contains a level of Benzene, in excess of 0.5 ppm is considered "non-exempt" status for Petroleum-contaminated media and as such is considered a hazardous material based on that characteristic?

It appears to me that further reading states it is to be analyzed per the TCLP test method 1311. Now the analytical results which we have today are not per TCLP 1311 but per method 8260/OA1.

This brings me to my next question regarding the rule of 10. I'm familiar with this being used when a land fill determines whether to accept material based on the lead content. Does this rule apply to a toxic material such as benzene?

Can you provide your guidance regarding this particular site and whether or not I am using the correct data to make a determination to further excavate or leave and remediate in situ.

Thanks,
Robert

Hello Mr. Drouare,

Thank you for your input below.

Further analytical has just been received on the samples taken from the tank pit west, north, and east.

I agree with removal during repairs. However, you also made the comment removing grossly impacted source material is a good thing. I also agree with this statement. We provided Waste Management with the analytical and profile information based on drilling soil samples. That is what we were approved for hauling to the land fill.

However, the new analytical just in confirms the majority of contaminate is toward the east of the tank pit.



Table 2.0 Soil/Water Analytical Results Tank	
Excavation	Sac and
Fox Truck Stop	1346 US
75 Highway	Powhattan,
	Kansas

Date Sampled	Sample ID	Field Screening (ppm)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Total Zylenece (mg/kg)	Total BTEX	Naphthalene (mg/kg)	MtB (mg/kg)
Tier 2 RSK, Soil Pathway - Non-Residential			28.2	29,800	145	1,410	-	64.7	1,050
Tier 2 RSK, Soil to Ground Water - Non-Residential			0.168	51.2	65.6	809	-	0.659	1.66
1/4/2017	Grvl SL Fill - 01	0.3	ND	ND	ND	ND	-	0.87	ND
1/4/2017	Grvl SL Fill - 02	59.5	0.0925	0.804	0.313	19	-	3.53	ND
1/10/2017	West Wall (Near West Dispenser)	95.7	0.163	1.58	2.97	27.6	-	4.8	ND
1/10/2017	North Wall (NE C of Excavation)	2,751	0.617	0.317	6.35	6.98	-	0.802	ND
1/10/2017	Bottom 1 (Center of Failed Tank)	36.7	0.408	ND	0.227	0.682	-	ND	ND
1/10/2017	Bottom 2 (East end of Failed Tank)	3,657	10.2	47.4	37	173	-	3.2	ND
11/11/2017	UST Pit Water	-	0.603	0.166	0.247	1.2	-	0.103	ND
Field screening samples analyzed in the field with a photoionization detector							ND - Non Detect		
TPH - Total Petroleum Hydrocarbons							NM - Not Measured		
LRH - Low Range Hydrocarbons							PNDG - Analytical Pending at Lab		
MRH - Medium Range Hydrocarbons							Values in Bold Exceed Tier 2 RSKs		
HRH - High Range Hydrocarbons							RSK - Risk-Based Standards for Kansas		
							Dated September 1, 2015		

The highlights in red depict those parameters which outside acceptable ranges for Tier 2 Risk Parameters.

Based solely on this analytical it would appear heavier contaminants are showing up in an easterly direction. That seems reasonable as that is the direction of ground water flow. The question then becomes whether these results would be considered gross contamination. In my opinion the results of Tier 2 Soil to Ground Water contamination would reflect gross contamination and would warrant excavation. However, I need to provide this new data to Waste Management to determine whether they may accept this at the land fill. I will submit this to them today.

We are researching some additional remedial methods which may be relevant to this site. There will be more to come shortly in that regard.

I will let everyone know asap whether Waste Management will accept this material as it is.

Should anyone have additional comments to add to the discussion then they are welcomed.

Sincerely,

Robert L. Trump
Total Petroleum Services

From: Drouare, Douglas [mailto:drouare.douglas@epa.gov]
Sent: Wednesday, January 18, 2017 11:51 AM
To: Robert Trump <rtrump@totalpetroleumservices.com>; Sac & Fox Truck Stop <sacfoxtsmgr@jbntelco.com>
Cc: Pomes, Michael <pomes.michael@epa.gov>
Subject: RE: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

We have finished reading the update provided. For major releases, such as what occurred at the truck stop, it usually proves to be difficult to dig your way out of the problem. Excavation of contaminated soil and disposal of it or treatment of it is costly and disruptive to businesses where the work is being performed. If the material goes to the landfill you may be just transferring your liability to another site. In most instances responsible parties get what they can while they are performing repairs (removing grossly impacted source material is a good thing) and then rethink how they approach the rest of the contaminants. There are viable approaches to addressing the contaminants in place. Please keep us updated on the ongoing work.

Thanks,

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From: Robert Trump [mailto:rtrump@totalpetroleumservices.com]
Sent: Wednesday, January 11, 2017 4:49 PM
To: Sac & Fox Truck Stop <sacfoxtsmgr@jbntelco.com>
Cc: robwandrew@mac-const.com; Kelly Cratsenburg <Kelly.Cratsenburg@anteagroup.com>; Kyle Minden <kminden@edtkc.com>; Meredith Watson <mwatson@terranext.net>; Chris Kinn <ckinn@terranext.net>; Drouare, Douglas <drouare.douglas@epa.gov>
Subject: Update at Sac and Fox Truck Stop [WARNING: SPF validation failed]

Attached is an update for Sac and Fox activities. If I have missed anyone in the send list, please forward to them or let me know and I will send another including their address.

Thanks and please comment.

Total Petroleum Services LLC

Robert L. Trump
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